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ligence were numerous and varied, the determination of facts and the quantum of the damages was peculiarly for the jury, and, where it was not actuated by passion or prejudice, its finding would not be disturbed as excessive.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 3944, 3946; Dec. Dig. § 1004 (1).* 1 Va.-W. Va. Enc. Dig. 605.]

Error to Circuit Court, Dickenson County.

Action by the Carolina, Clinchfield & Ohio Railway and others against Elkanah Hill. Judgment for plaintiff, and defendants bring error. Affirmed.

Chase & Daugherty, of Grundy, *Powell, Price & Simmonds*, Bristol, *W. H. Rouse*, of Clintwood, and *H. C. Morison*, of Johnson City, Tenn., for plaintiffs in error.

S. H. & G. C. Sutherland, of Clintwood, and *T. L. Sutherland*, of Lebanon, for defendant in error.

IRVINE v. BARRETT.

Sept. 11, 1916.

[89 S. E. 904.]

1. Libel and Slander (§ 86 (1)*)—Pleading—Innuendo.—If words originally charged are not actionable per se, they cannot by amendment be enlarged in their meaning merely by addition of an innuendo.

[Ed. Note.—For other cases, see Libel and Slander, Cent. Dig. § 205 Dec. Dig. § 86 (1).* 9 Va.-W. Va. Enc. Dig. 286.]

2. Limitation of Actions (§ 127 (16)*)—Effect of Bringing Suit.—In action for slander, an order sustaining demurrer to the complaint substantially found that the words were not actionable per se. After demurrer to the amended complaint was sustained, plaintiff again amended, charging specific words, actionable per se, but such amendment was filed 18 months after the alleged slander. Held, that the action was barred by limitations.

[Ed. Note.—For other cases, see Limitation of Actions, Cent. Dig. § 545; Dec. Dig. § 127 (16); Pleading, Cent. Dig. § 688.* 9 Va.-W. Va. Enc. Dig. 429.]

3. Limitation of Actions (§ 127 (16)*)—Actionable Words—Separate Causes of Action.—Words to the effect that plaintiff stole \$1,500 are so dissociated from those that defendant's business was short \$1,500 for which he could not account, when not alleged to have been spoken at the same time or to the same person, as to constitute a new cause of action.

[Ed. Note.—For other cases, see Limitation of Actions, Cent. Dig.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

§ 545; Dec. Dig. § 127 (16); Pleading, Cent. Dig. § 688.* 9 Va.-W. Va. Enc. Dig. 429.]

4. Pleading (§ 248 (1)*)—Amendment—New Cause.—Though courts are liberal in allowing amendments, the amendment must not introduce a substantive cause different from that declared on in the original declaration.

[Ed. Note.—For other cases, see Pleading, Cent. Dig. §§ 686, 689-692; Dec. Dig. § 248 (1).* 1 Va.-W. Va. Enc. Dig. 318.]

Error to Circuit Court, Russell County.

Action by M. L. Barrett against C. C. Irvine. Judgment for plaintiff, and defendant brings error. Reversed and remanded

H. L. Kidd and *H. A. Routh*, both of Lebanon, *Greever, Gillespie & Divine*, of Welch, and *G. B. Johnson*, of Honaker, for plaintiff in error.

Finney & Wilson, of Lebanon, *S. H. Sutherland*, of Clintwood, and *J. E. Duff*, of Belfast Mills, for defendant in error.

JOHNSON *v.* ABLES.

Sept. 11, 1916.

[89 S. E. 908.]

Fraudulent Conveyances (§ 277 (3)*)—Conveyances to Wife—Presumptions—Evidence.—Despite Married Woman's Act of 1900 (Code 1904, § 2286a), amplifying the rights of married women, it will, in a contest between the existing creditors of an insolvent husband and his wife touching an alleged purchase from her husband or from another with means furnished by the husband, be presumed that the transaction is actually fraudulent, and the burden is on the wife to show that the consideration was, in good faith, paid by her out of her separate estate, and where a purchase is ostensibly made by a wife from third persons, she, as against creditors of her insolvent husband, has the burden of showing that she, and not the husband, furnished the consideration, for the marriage relation affords peculiar opportunities for defrauding the husband's creditors.

[Ed. Note.—For other cases, see Fraudulent Conveyances, Cent. Dig. §§ 799, 814; Dec. Dig. § 277 (4).* 6 Va.-W. Va. Enc. Dig. 662.]

Appeal from Circuit Court, Lee County.

Bill by C. P. Ables against Arzelia Johnson. From a decree for complainant, defendant appeals. Affirmed.

Davidson & Robinette, of Jonesville, *Pennington & Handy*, of Bristol, and *Pennington & Cridlin*, for appellant.

B. H. Sewell and *M. G. Ely*, both of Jonesville, for appellee.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.